

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HERBERT DEON GOODWIN, JR.,

Petitioner,

v.

KATHLEEN ALLISON,

Respondent.

Case No. 1:22-cv-00298-JLT-CDB (HC)

ORDER DENYING WITHOUT PREJUDICE
MOTION FOR 30-DAY EXTENSION OF TIME
NUNC PRO TUNC TO FILE TRAVERSE

(Doc. 21)

30-DAY DEADLINE

Petitioner Herbert Deon Goodwin, Jr. (“Petitioner”), is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). On April 18, 2022, Petitioner filed the operative first amended petition for writ of habeas corpus. (Doc. 11). On July 6, 2022, Respondent Kathleen Allison (“Respondent”) lodged the non-miscellaneous state court record. (Doc. 17). On July 19, 2022, Respondent filed an answer to the petition for writ of habeas corpus. (Doc. 19).

Pending before the Court is Petitioner’s motion for a 30-day extension of time *nunc pro tunc* to file a traverse filed on April 12, 2024. (Doc. 21). Petitioner asserts he had never received Respondent’s answer until after it was forwarded to him by Assistant Federal Defendant Ann C. McClintock on March 13, 2024. *Id.* However, the filing is unsigned and not affirmed under penalty of perjury.

1 Given the extraordinary nature of relief sought by Petitioner – to wit, a request to file a traverse
2 more than one year after the traverse was due – the Court finds insufficient good cause to grant the
3 pending motion without further explanation in a new filing signed by Petitioner under penalty of
4 perjury. In any such renewed motion and in addition to any representations he makes concerning his
5 delayed receipt of Respondent’s answer, Petitioner must set forth whether he received a copy of the
6 non-miscellaneous state court record, served by Defendant on July 6, 2022, and whether, after
7 receiving such record documents, Petitioner made any subsequent efforts to inquire with the courts or
8 Respondent as to the posture of this action.

9 For the foregoing reasons, IT IS HEREBY ORDERED that Petitioner’s motion (Doc. 21) is
10 DENIED WITHOUT PREJUDICE. Petitioner shall file any renewed motion consistent with this
11 Order within 30 days of the date of service of this Order.

12 IT IS SO ORDERED.

13 Dated: April 18, 2024

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16 UNITED STATES MAGISTRATE JUDGE
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